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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,721	01/12/2004	Jitsuko Yamaguchi	2003_1915A	6089

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WENDEROTH, LIND & PONACK, L.L.P.  
2033 K STREET N. W.  
SUITE 800  
WASHINGTON, DC 20006-1021

EXAMINER

DANG, HUNG XUAN

ART UNIT PAPER NUMBER

2873

DATE MAILED: 09/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

H.A

<b>Office Action Summary</b>	<b>Application No.</b> 10/754,721	<b>Applicant(s)</b> YAMAGUCHI ET AL.	
	<b>Examiner</b> Hung X. Dang	<b>Art Unit</b> 2873	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **Information Disclosure Statement**

1. If applicant is aware of any relevant prior art, he/she requested to cite it on form **PTO-1449** in accordance with the guidelines set forth in M.P.E.P. 609.

### **Priority Paper**

2. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Japan on 02/17/03 and 07/14/03. It is noted, however, that applicant has not filed a full certified copy (applicant submit only front page of the priority papers) of the 2003-037858 and 2003-196463 applications as required by 35 U.S.C. 119(b).

### **Claims Rejection Under 35 USC - 103**

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Nishihara** (Pub. No. US 2003/0071962 A1) in view of **Carlton** (6,860,587)

Nishihara discloses rimless eyeglasses comprising two lenses 14, a bridge 10 whose opposite ends are connected to inner edges of the two lenses, two joint pieces 11 fixed to outer edges of the two lens 11, and two temples 12 hinged to the joint pieces

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11, wherein **the bridge 10** is shaped by cutting or punching a piece of metal sheet into a required flat shape comprising a crossbar having two pin-like extensions 18, two press-fitting extensions 16 and two leg extensions integrally connected to the opposite ends of the crossbar, the pin-like extensions 18 having saw-tooth indentations formed on their surfaces, and; **each joint piece 11** is shaped by cutting or punching a piece of metal sheet into a required flat shape having a pin-like extension 18 with saw-tooth indentations formed on its surface and a press-fitting extension 21; **each lens** has a through hole 19 and a notch 20 made on either side, each through hole 19 having a flanged sleeve 25 press-fitted therein, the pin-like extensions 18 of the bridge 10 and joint pieces 11 being inserted into the flanged sleeves 25 in the through holes 19 of the lenses 14, and the press-fitting extensions 16/21 of the bridge 10 and joint pieces 11 being inserted into the notches 20 of the lenses 14 (see figures 1, 2 and column 1, paragraphs [0018], [0019] and the related disclosure.)

Nishihara does not disclose the leg extensions ending with hooks for fixedly holding nose pads.

Carlon, however, discloses that the leg extensions ending with hooks for fixedly holding nose pads (see figures 1, 2, 3b, 3c and the related disclosure.)

Because Nishihara and Carlon are both from the same field of endeavor, the purpose for easy attaching the nose pad to the eyeglass frame as disclosed by Carlon would have been recognized as an art pertinent art of Nishihara.

It would have been obvious, therefore, at the time the invention was made to a person having skill in the art to construct the rimless eyeglasses, such as the one

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disclosed by Nishihara, with the leg extensions ending with hooks for fixedly holding nose pads, such as disclosed by Carlon for the purpose for easy attaching the nose pad to the eyeglass frame.

4. Any inquiry concerning this communication should be directed to Examiner Dang at telephone number (571) 272-2326.

9/05

A handwritten signature in black ink, appearing to read 'Hung Dang', with a stylized, looped end.

HUNG DANG

PRIMARY EXAMINER

TC 2800